

27—30.50(159,161A,455H) Eligibility. Financial assistance from the program will be limited by the criteria of this rule.

30.50(1) Cost-share rate. Cost-share payments from the fund shall not exceed 75 percent of the estimated cost or 75 percent of the actual cost of the project, whichever is less.

30.50(2) Eligible costs. Project costs eligible for financial assistance cost sharing from the fund are:

a. Construction costs normally incidental to the costs of a drainage district including, but not limited to:

- (1) Tile or channel mains.
- (2) Laterals.
- (3) Associated excavations, backfilling, tile line cradling materials, and junctions.

b. Cost of improvements as defined by Iowa Code section 468.3 including, but not limited to:

- (1) Administrative, legal and publication costs.
- (2) Classification.
- (3) Engineering design, construction inspection and contract administration.
- (4) Financing costs.
- (5) Damages.

c. Costs of wetland mitigation required under federal law.

d. Costs of connection lines from mains or laterals of the drainage district to the terminus of in-field drains at the existing wellheads of the agricultural drainage wells.

e. Costs of closure and plugging of agricultural drainage wells in accordance with 567 IAC 39, Requirements for Properly Plugging Abandoned Wells, or by an alternative method approved by the department of natural resources.

f. Costs for removal of agricultural drainage well cisterns in accordance with applicable requirements of the department of natural resources.

30.50(3) Project design and construction. The alternative drainage system of the drainage district shall be designed to meet standard engineering practice for drainage district improvements and be approved by the division. Construction shall be in accordance with the design and standard construction practice for drainage district improvements.

30.50(4) Noncrop acres. Noncrop acres within a designated agricultural drainage well area shall not be eligible to benefit from the program.

30.50(5) Eligible persons. A person who owns an interest in land within a designated agricultural drainage well area shall not be eligible to participate in the program, if the person is any of the following:

a. A party to a pending legal or administrative action, including a contested case proceeding under Iowa Code chapter 17A, relating to an alleged violation involving an animal feeding operation as regulated by the department of natural resources, regardless of whether the pending action is brought by the department or the attorney general.

b. Classified as a habitual violator for a violation of state law involving an animal feeding operation as regulated by the department of natural resources.

30.50(6) Closure of agricultural drainage wells. Closure of all agricultural drainage wells located within the watershed area served by the alternative drainage system of the drainage district is required for landowners to be eligible for financial assistance from the fund.

30.50(7) Compliance with applicable statutes. The alternative drainage system project of the drainage district shall be conducted in compliance with all applicable statutes, rules and requirements.